

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MALIBU MEDIA, LLC,

Plaintiff,

v.

DOE Subscriber Assigned IP Address  
71.58.216.197,

Defendant.

CASE NO. 4:15-cv-02281-CCC

**DECLARATION OF COLETTE PELISSIER FIELD**

**I, COLLETTE PELISSIER FIELD, DO HEREBY DECLARE:**

1. I am over the age of eighteen (18) and otherwise competent to make this declaration. The facts stated in this declaration are based upon my personal knowledge.

2. Years ago, Malibu Media (“Malibu”) registered itself as a content producer with a number of adult tube/streaming websites, including xHamster.com and pornhub.com in order to drive traffic to its website X-Art.com.

3. As a registered content producer, Malibu uploaded videos and clips of some of Malibu’s X-Art films to those websites. All of the X-Art videos and clips uploaded were made available only to be streamed. Malibu never authorized any individual to download or distribute copies of those works on those websites.

4. The X-Art videos and clips posted always contained copyrighted notices, X-Art watermarks, or both.

5. At no point in time was any of our X-Art content made available on the streaming websites for download or distribution; the content was only made available for streaming.

Declaration of Colette Pelissier Field In Support of Attorney Fiore’s Motion for Reconsideration of the Court’s Order Disqualifying Plaintiff’s Counsel



6. Malibu has diligently and repeatedly issued DMCA take-down notices to those sites that illegally offer Malibu's movies whenever Malibu is advised that copies of X-Art videos have been posted to them.

7. Further, Malibu has never filed a suit against an end-user of any of those sites for Copyright infringement.

8. Attorney Christopher Fiore, Esq. has represented Malibu for over four years.

9. I currently hold—and always have held—the absolute highest respect for Christopher Fiore. He has always loyally and diligently represented Malibu Media.

10. He has gone over the claims and counterclaims in this case—as they are alleged against myself, Malibu, and against him. I understand the potential conflict of interest that could stem from the claims. I am also aware of the documents and declarations filed in this case, and at no point did Christopher Fiore file anything without my consent.

11. I have also taken the opportunity to consult other counsel in regard to the pending claims against myself, my company Malibu Media, and against my attorney, including this Court's Order disqualifying him as my counsel.

12. I am well aware of the allegations that are being made. I do not believe that they have any merit. All of our lawsuits have always been brought in good faith to protect our copyrights.

13. Christopher Fiore, Esq. is my absolute choice for representation for both myself and for my company, Malibu Media, LLC.

14. It would be devastating for Malibu Media and myself to lose him. He is skilled in the area of BitTorrent litigation and has been our counsel for many years.

15. I waive any and all conflicts on behalf of myself and Malibu Media, LLC with a full understanding of those conflicts and request that Christopher Fiore, Esq. continue to represent me and my company.

Declaration of Colette Pelissier Field In Support of Attorney Fiore's Motion for Reconsideration of the Court's Order Disqualifying Plaintiff's Counsel

16. If any uncertainty remains regarding the sufficiency of my waiver, I respectfully request the opportunity to appear before this Court so that I may give testimony thereto. Indeed, I would be happy and honored to travel to Your Honor's Court room to express my strong respect for and desire to retain my counsel.

**PURSUANT TO 28 U.S.C. § 1746**, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8<sup>th</sup> day of November, 2016.

**COLETTE PELISSIER FIELD**

By: 

Declaration of Colette Pelissier Field In Support of Attorney Fiore's Motion for Reconsideration of the Court's Order Disqualifying Plaintiff's Counsel